

Boatyard General Permit
Advisory Committee
March 31, 2003, Meeting Minutes

Attendees:

Name	Affiliation	Street Address	City & Zip	Phone	E-Mail
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	Port of Port Townsend		Port Townsend 98368		
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Kyle Klassert	NW Marine Trade Association	1900 N. Northlake Way, Suite 233	Seattle 98103	206-634-0911	kyle@nmta.net
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Phil Riise	Seaview Boatyard Puget Soundkeeper	4701 Shilshole Avenue NW	Seattle 98107	206-789-3030	phil@seaviewboatyard.com
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Tim Goodman	WA Dept. Natural Resources	1111 Washington ST SE	Olympia 98504-7027	360-902-1100	tim.goodman@wadnr.gov
Beth Franulovic	Skyline Marina	2011 Skyline Way	Anacortes 98221	360-293-5134	penmar@fidalgo.net
Dick Britton	Skyline Marina King County	2011 Skyline Way	Anacortes 98221	360-293-5134	penmar@fidalgo.net
Peggy Rice	Industrial Waste WA Dept of	130 Nickerson Street, #200	Seattle 98109-1658	206-263-3028	peggy.rice@metrokc.gov
John Drabek	Ecology, NWRO	3190 - 160th Ave. SE	Bellevue 98008-5452	425-649-7293	jdra461@ecy.wa.gov
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Greg Cloud	Ecology, SWRO	300 Desmond Drive	Lacey 98503	360-407-6291	gclo461@ecy.wa.gov
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Agenda:

- 10:00 - Introductions
10:30 - Review of minutes from Feb. 20 meeting
11:00 - Sampling and analysis techniques likely to yield lower measured copper concentrations
11:30 - Shipyard mixing studies
12:00 - Lunch
1:00 - Infiltration as a stormwater management option
1:30 - Progress on assessing 10 best/worst yards and on mapping of boatyards
2:00 - Performance-based copper limit
2:30 - Prompt adjournment

Meeting:

Discussions started off with a statement from Guy Crow that professional bottom cleaners (divers) and individual boat owners were close behind boatyards as sources of water pollution. Individual boat owners and professional bottom cleaners usually conduct these activities in marinas. As one consequence, marinas can accumulate contaminated sediments which may need cleaned up using public funds. Marinas need aquatic lands leases issued by the Washington Dept. of Natural Resources (DNR) but do not need a permit from the Dept. of Ecology (Ecology). Ecology can still fine marinas for activities which cause significant water pollution. Both DNR and Ecology suffer from a shortage of staff right now. Port districts also have control over a lot of marina activities such as divers who clean boat bottoms. Education efforts might have some effect on marina operators such as pointing out that it would be very difficult to sell a marina which had contaminated sediments. Marinas were visited by Ecology inspectors during the last boatyard permitting process and reminded of what activities should not be done such as scraping of "soft" paint by divers.

An advertisement from a local marina was distributed at the meeting because it offered bottom cleaning services. Sue Joerger called the marina during the lunch break as if arranging for a bottom cleaning of her boat. She reported that the person with whom she was speaking did not acknowledge that only "hard" paints could be cleaned by divers until prompted by tough questioning toward the end of the conversation.

A debate began over whether the advisory committee should recommend to Ecology that marinas be included in another NPDES general permit. On the one hand, Ecology is so short of staff that developing, issuing, and implementing a marina permit is just not possible at this time. On the other hand, nobody knows for sure what resources would be available in a few years when any decision to develop a marina permitting program would result in action anyway. Dean Shaughnessy volunteered to ask the attendees at the April 22nd to 25th meeting of the Pacific Coast Congress of Harbor Masters and Port Managers what their opinion might be of a marina permit and on the possible further restriction of dive cleaning. The marina issue will be on the agenda of the next meeting and the advisory committee will decide if its members can agree on a recommendation to state government concerning marinas.

There was general agreement that differences in sampling could be producing the differences in the measured copper concentrations. The current boatyard permit recommends that the samples be collected during the first flush of the storm event. Boatyards following this recommendation will be sampling the first flush of a rain event and will have much higher total recoverable copper concentrations than those who sample later. The industrial stormwater general permit is more specific and requires sampling during normal business hours within the first hour of a rain event having at least 0.1 inches of rain in a 24-hour period and occurring at least 24 hours after the end of the last rain. Obviously training and technical assistance will be needed in order for such complicated instructions to be implemented correctly and consistently by boatyards. Some boatyards may eventually need to use clean sampling techniques and will need extra training and assistance to do so.

Barry Kellems did a presentation on the mixing studies that were done for two shipyards in the state. The room was reminded that mixing zones in general permits are currently controversial and that the presentation was not an indication of any decision involving the boatyard general permit. The first part of the presentation was a review of the purpose and authority for mixing zones in permits. The procedure for conducting a mixing study was then described. The results were then presented for a mixing study of a shipyard discharging to the Ship Canal through a pipe on the surface, a submerged pipe, and a submerged diffuser and another mixing study of a shipyard discharging to Bellingham Bay via an outfall 20 feet deep. The acute dilution factors (20 ft. from discharge) ranged from 14 to 80 and the chronic dilution factors (200 ft. from discharge) ranged from 149 to 712. Surface pipes yielded the lowest dilution factors. Diffusers yielded the highest dilution factors which were about twice submerged pipes and about six times surface pipes. The discharge to Bellingham Bay had dilution factors nearly twice as high as the comparable discharge to the Ship Canal.

Because the previous meeting revealed an interest in infiltration (aka discharge to ground) as a stormwater management option, copies of the chapter of the Stormwater Manual which describe the requirements for infiltration of stormwater were handed out. The stormwater manual encourages infiltration of stormwater in order to remove energy from stormwater flows but this does not quite fit the situation for boatyards since they tend to be close to the receiving water. It was mentioned that these requirements might be implemented by requiring an engineering report in accordance with WAC 173-240-110 and 130 to be submitted from those boatyards that choose infiltration so that Ecology can make sure that these are designed systems that are properly sized, include oil-water separation and solids settling/filtration, etc. The GWS would be applied to the infiltration pond water unless the boatyard wanted to install monitoring wells instead. An alternative to an engineering report from each boatyard wanting to have a discharge to ground might be something like the AKART report done for the pressure wash water.

The report on progress in inspecting the worst and best boatyards (based on stormwater copper concentrations) was given. The better boatyards tend to be small with less activity. Some of the worst boatyards have already closed.

Barry Kellems and Michelle Kruse produced a map and a list showing the location of the boatyards and identifying the receiving water. There was not time for a presentation but the effort will be very valuable to the advisory committee and its future discussions.

The meeting ended with a discussion of the three basic approaches to copper discharges in boatyard stormwater. One would be a water quality-based limit for copper, but that would require some allowance for dilution in the receiving water which is difficult to do in a general permit since it traditionally involves site-specific considerations. Mixing zones are controversial and many boatyards cannot easily afford dilution studies to provide site-specific information. Another approach would be a performance-based copper limit, but because so many of the copper concentrations in the past boatyard monitoring are so high, a performance-based copper limit would be relatively high unless a lower percentile than the usual 95th percentile was used to derive it. The 95th percentile for the current boatyard copper data is 4.37 mg/L which is about 750 times the acute water quality criterion and about 1,200 times the chronic water quality criterion for copper. Another approach would be more thorough BMP requirements along with continued monitoring which would be compared to a “benchmark” copper concentration which would give boatyards an idea of how well they are doing and whether addition efforts are needed. It was pointed out that any approach taken will be unsatisfactory to somebody and that a permit appeal may occur and then this key decision will be made by the Pollution Control Hearings Board which does not have the same amount of time to study and discuss the issue in search of practicality and balance. Sue Joerger agreed to check with the other environmental groups and their legal advisors and report to the advisory committee at the next meeting on their opinions. Other environmental groups are following this permitting process closely but not directly participating. Several boatyard operators participate and have support from NMTA and a consultant and so are well represented.